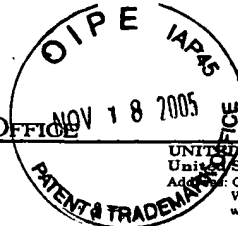




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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/820,704 | 03/30/2001 | Shigeyuki Hayashi | 108962 | 4483 |

25944 7590 08/08/2002

OLIFF & BERRIDGE, PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320



EXAMINER

TRAN, HUAN HUU

ART UNIT PAPER NUMBER

2861

DATE MAILED: 08/08/2002

REJECTION

Please find below and/or attached an Office communication concerning this application or proceeding.

DUE DATE

NOV 08 2002

TECHNOLOGY CENTER 2800

NOV 23 2002

RECEIVED

DOCKETED
By mmx on 8/12 2002
and
By Jmm on 8/12 2002
Oliff & Berridge

Office Action Summary

Application No.

09/820,704

Applicant(s)

HAYASHI, SHIGEYUKI

Examiner

Huan H. Tran

Art Unit

2861

HL

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-20,23-27,58-62,71-85 and 111-129 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 15,18,19,23,26,27,58,61,62,71,74-81,84,85,111-119,121-123 and 127-129 is/are rejected.
- 7) ☒ Claim(s) 16,17,20,24,25,59,60,72,73,82,83,120 and 124-126 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 15, 19, 23, 26, 58, 61, 62, 71, 74, 75, 76, 77, 78, 79, 80, 81, 84, 85, , 111-116, 117-119, 121, 127-129 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Ito et al. (US Patent No. 6257780 cited in the IDS filed on 05/23/02). See, for example, Figs 4-16 and the detailed description thereof.

4. Claims 15, 19, 23, 26, 58, 61, 62, 71, 74, 75, 76, 77, 78, 79, 80, 81, 84, 85, 111-116, 117-119, 121, 127-129 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ito et al. (EP 931672 cited in the IDS dated 03/13/02). See, for example, Figs. 4-16 and the description thereof.

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5. Claims 15, 19, 23, 26, 58, 61, 62, 71, 74, 75, 81, 84, 85, 111-116, 117-119, 121, 127-129 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Oshima (JP 10-329378 cited in the IDS dated 03/13/02).

6. Claims 15, 18, 19, 23, 26, 27, 58, 61, 62, 71, 74, 75, 81, 84, 85, 117, 122-123, 127-129 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ishii (JP 9-141987 cited in the IDS dated 03/06/02).

7. Claims 15, 19, 23, 26, 58, 61, 62, 71, 74, 75, 81, 84, 85, 111-116, 117-119, 121, 127-129 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kameyama (US Patent No. 5897256 cited in the IDS filed on 05/03/01). See 5-12 and the description thereof.

8. Claims 15, 19, 23, 26, 58, 61, 62, 71, 74, 75, 81, 84, 85, 117-119, 121, 127-129 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Suzuki et al. (US Patent No. 5100250 cited in the IDS filed on 05/23/02).

Allowable Subject Matter

9. Claims 16, 17, 20, 24, 25, 59, 60, 72, 73, 82, 83, 120, 124-126 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huan H. Tran whose telephone number is (703) 308-0749. The examiner can normally be reached on M-F with alternate Friday off, from 7:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hilten can be reached on (703) 308-0719. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-3421 for regular communications and (703) 308-3421 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1749.

A handwritten signature in black ink, appearing to read 'Huan H. Tran', with a long horizontal flourish extending to the right.

Huan H. Tran
Primary Examiner
Art Unit 2861

hht
August 6, 2002